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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,574	01/22/2002	Vipin Samar	OR01-23701	7739
22835	7590	02/17/2005	EXAMINER	
A. RICHARD PARK, REG. NO. 41241 PARK, VAUGHAN & FLEMING LLP 2820 FIFTH STREET DAVIS, CA 95616			MARTIN, NICHOLAS A	
		ART UNIT		PAPER NUMBER
		2154		

DATE MAILED: 02/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/054,574	SAMAR, VIPIN	
	Examiner	Art Unit	
	Nicholas Martin	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 January 2002.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-21 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 1/22/02 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/20/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

1. Claims 1-21 are presented for examination.

Claim Objections

2. Claims 1, 3-4, 8, 10-11, 15 and 17-18 are objected to because of the following informalities:

3. Respect to claim 1, line 10; claim 8, line 12; claim 15, line 15, the applicant wrote, "whereby the identity of the individual can be authenticated...". The examiner interprets the term "can" means possibly but not certainly. Therefore, the examiner reserves the right to give no patentable weight on any limitation right after the term "can".

4. Respect to claims 3, 10 and 17, the applicant wrote, "...wherein the identification credential can include...". The examiner interprets the term "can" means possibly but not certainly. Therefore, the examiner reserves the right to give no patentable weight on any limitation right after the term "can".

5. Respect to claims 4, 11 and 18, the applicant wrote, "...wherein the biometric sample can include...". The examiner interprets the term "can" means possibly but not certainly. Therefore, the examiner reserves the right to give no patentable weight on any limitation right after the term "can".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Glass, Randal W. (hereinafter Glass), US 2002/0056043.

8. As per claim 1, Glass teaches a method for providing identification authentication (Paragraph [0004]), comprising:

receiving an identification credential from an individual, including a biometric data, wherein the identification credential is digitally signed with a private key (Paragraphs [0004-0005] and [0040]);

receiving a biometric sample from the individual (Claims 9 & 10, page 9);

validating the digital signature using a corresponding public key (Paragraph [0040]);

determining if a difference between the digitally signed biometric data and the biometric data from the individual is below a predetermined threshold (Paragraphs [0036-0037] and [0061]); and

providing the results of the determination to an interested party (Paragraphs [0037-0038]);

whereby the identity of the individual can be authenticated with reference to the identification credential (Paragraph [0005]).

9. As per claim 2, Glass teaches the method of claim 1, further comprising adjusting the predetermined threshold in accordance with instructions received from a user (Paragraphs [0035-0037]).

10. As per claim 3, Glass teaches the method of claim 1, wherein the identification credential can include a name, a unique ID, a citizenship, an issue date, an expiration date, an identifier for an issuing authority, the biometric data, and a digital photo (Paragraph [0010]).

11. As per claim 4, Glass teaches the method of claim 1, wherein the biometric sample can include one of, or a combination of, a fingerprint, a signature, an iris scan, a facial scan, a voice pattern, a height, a weight, or a palm scan (Paragraphs [0004-0005]).

12. As per claim 5, Glass teaches the method of claim 1, wherein the digitally signed biometric data is contained in a magnetic stripe, a bar code, a smart card, a chip-card, or a non-volatile memory, such as flash memory, located on or with the identification credential (Paragraph [0031]).

13. As per claim 6, Glass teaches the method of claim 1, wherein the digital signature is provided by a central certification authority (Paragraphs [0012], [0035] and [0048]).

14. As per claim 7, Glass teaches the method of claim 1, further comprising granting access to resources based on the determination if the difference between the digitally signed biometric data and the biometric data from the individual is below a predetermined threshold (Paragraphs [0036-0037], [0040], [0042] and [0061]).

15. Claims 8-14 do not teach or define any new limitations above claims 1-7 and therefore are rejected for similar reasons.

16. Claims 15-21 do not teach or define any new limitations above claims 1-7 and 8-14 and therefore are rejected for similar reasons.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents and publications are cited to further show the state of the art with respect to "Method And Apparatus For Facilitating Low-Cost And Scalable Digital Identification Authentication".

- | | | |
|------|-----------------|--------------------|
| i. | US 2004/0005051 | Wheeler et al. |
| ii. | US 6,687,375 | Matyas, Jr. et al. |
| iii. | US 6,256,737 | Bianco et al. |
| iv. | US 6,181,803 | Davis, Derek L. |

A shortened statutory period for reply to this Office action is set to expire in THREE MONTHS from the mailing date of this action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Martin whose telephone number is (571) 272-3970. The examiner can normally be reached on Monday - Friday 8:30 a.m. - 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3970.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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February 14, 2005



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